HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.444 OF 2006

PETITIONER PLAINTIFF	Jagpat Singh, aged about 45 years, Son of Shri Rambaharo Singh, Occupation-Unemployed, Resident of Village Bishrampur, Police Station Bishrampur, Tahsil Surajpur, District Surguja (C.G.)
Vs.	
RESPONDENT DEFENDANT	President, Shri Kaushiki Bal Vikas Kshishan Samiti, Bishrampur, Satpata, District Surguja (C.G.), Through: Harprasad Kshatriya, aged about 55 years, Son of Shri Mithulal Kshatriya, Occupation-Business.

Present : Shri Sushil Dubey, learned counsel for the petitioner.

(ORAL ORDER)
(Passed on 27th January, 2006)

The learned trial Judge has refused to allow the application made by the petitioner-plaintiff under Order 6 Rule 17 of Code of Civil Procedure. It is needless to state that it is the burden of the plaintiff to establish his title to the petition schedule property by adducing evidence. Simply because, the entitlement claimed by the petitioner-plaintiff is denied by the respondent-defendant in the written statement , that would not be a justification for allowing the amendment now sought. The second circumstance which weighed with the learned trial Judge to reject the application is that the application was made at the belated stage when the case was set down for cross-examination of the witnesses. I do not find any jurisdictional flaw or material irregularity or failure of justice. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice